

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

OLEN WARNER and ERNESTO LEYVA,

Defendants.

**4:24CR3029**

**ORDER**

This matter is before the Court on the Government's opposed Motion to Continue Trial. ([Filing No. 166](#)). After review of the motion and consultation with counsel, the undersigned finds the motion should be granted. Good cause has been shown due to the reasons stated in the Motion, and the unavailability of an essential witness.

**IT IS THEREFORE ORDERED** that the Motion to Continue Trial ([Filing No. 166](#)) is granted, as follows:

1. The jury trial, **for both defendants**, presently set for March 24, 2025, is continued to **April 21, 2025 at 8:30 a.m., or as soon thereafter as the case may be called, for a duration of five (5) trial days.**
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and April 21, 2025**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would be a miscarriage of justice. An essential witness is unavailable. 18 U.S.C. § 3161(h)(3)(A); (h)(7)(A) & (B)(i).

3. An in-court hearing regarding Defendant Olen Warner's Objection to Filing 146, ([Filing No. 157](#)) and any other pretrial matters is scheduled to be held before the undersigned judge on April 17, 2025 at 2:30 p.m. in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Defendants are required to be present.

Dated this 20th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Susan M. Bazis". The signature is written in a cursive, flowing style.

s/ Susan M. Bazis  
United States District Judge